IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.128 OF 2007
IN
CRIMINAL APPEAL NO.329 OF 2005

Sanjay Baburao Desai ...Applicant
Vs.
State of Maharashtra ...Respondent

Mr.A.S.Khandeparkar for Applicant
Mr.A.R.Patil, A.P.P for the State Respondent

CORAM: DR. S. RADHAKRISHNAN &
SMT.ROSHAN DALVI, JJ.
DATED: 11TH SEPTEMBER, 2007

P.C.

1. Heard the learned Counsel for the Applicant and the learned A.P.P for the State.

2. By this application, the Applicant/husband is seeking bail with regard to an offence punishable under Section 302 of the Indian Penal Code.

3. The facts are that the Applicant/husband has been found guilty of killing his wife. It appears that the deceased-wife had slight deformity in her legs. Her body was found in a water tank in a supine position with a depth of only 38''. In

the above matter, P.W. 4 is the sister and P.W.6 is the father of the deceased. They both categorically deposed that the Applicant assaulted the deceased and their relations were not cordial. In fact, P.W.6-father has deposed that his daughter/deceased had complained to him that the Applicant was falsely accusing her of having illicit relations.

4. Over and above, perusal of the evidence of two Doctors, who conducted postmortem on the deceased, have categorically reiterated even in cross-examination that the death of the deceased occurred due to asphyxia by throttling. Blood spots were found in the lungs. The injury found on her neck was bruising in bilateral sub-mandibular region, 10 cm. X 2 cm. Both the Doctors have categorically remarked that such a bilateral injury could not have occurred due to dash on the neck on any hard object or by fall. With the aforesaid evidence, it is not a case to grant the bail. The bail application is, therefore, rejected.

(SMT. ROSHAN DALVI, J.) **(DR. S. RADHAKRISHNAN, J.)**